

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

November 7, 2006

DIVISION ONE

B186206 Paleski (Certified for Publication)
v.
State Department of Health Services et al.

The judgment is affirmed.

Mallano, Acting P.J.

I concur: Jackson, J. (Assigned)

I concur in the judgment only: Vogel (Miriam A.), J.

DIVISION TWO

B185814 Hotels Nevada, et al. (Certified for Publication)
v.
L.A. Pacific Center, inc.

The order denying appellant's motion to compel arbitration is reversed and the cause is remanded and the trial court is directed to conduct an evidentiary hearing on the motion. Parties to bear their own costs on appeal.

Doi Todd, Acting P.J.

We concur: Ashmann-Gerst, J.
Chavez, J.

DIVISION TWO (Continued)

B178286 The Stonegate Homeowners Assoc. (Certified for Publication)

v.

T.A. Staben

R&R Palacios Construction, Inc.

The judgment in favor of Staben following the nonsuit and the summary judgment in favor of Staben, as well as the postjudgment orders regarding costs, are reversed and the matter is remanded for retrial. Appellants Stonegate and Palacios are awarded costs on appeal.

Doi Todd, J.

We concur: Boren, P.J.

Ashmann-Gerst, J.

B185986 People (Not for Publication)

v.

Melendez

The judgment is affirmed.

Doi Todd, J.

We concur: Boren, P.J.

Ashmann-Gerst, J.

DIVISION THREE

B187615 People (Not for Publication)
v.
Donald Bailey

The judgment is reversed with regard to the finding that appellant suffered a strike and the matter is remanded for a trial on whether appellant has suffered a prior conviction within the meaning of California's Three Strikes Law and for resentencing after trial on that issue. In all other respects, the judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.
Croskey, J.

DIVISION FOUR

B182792 People (Not for Publication)
v.
Grande

The judgment is affirmed.

Manella, J.

We concur: Epstein, P.J.
Willhite, J.

DIVISION FOUR (Continued)

B167658 Spirit of the Sage Council et al. (Not for Publication)

v.

City of Pasadena

Buchanan/Perkins Ltd.

The judgments are affirmed.

Manella, J.

We concur: Epstein, P.J.

Willhite, J.

DIVISION FIVE

B186815 People (Not for Publication)

v.

Larry Campos

The judgment is affirmed.

Kriegler, J.

We concur: Turner, P.J.

Mosk, J.

B187638 Brian Murphy (Not for Publication)

v.

Same Day Air Couriers of Illinois

The judgment is affirmed. Respondent(s) to recover costs.

Mosk, J.

We concur: Turner, P.J.

Armstrong, J.

DIVISION FIVE (Continued)

B187412 People (Not for Publication)
v.
Nery Fernandez

The order that defendant is to pay attorney fees in the amount of \$1,054.84 is reversed. The order that defendant is not to own, use, or possess any deadly or dangerous weapons is reversed and stricken. In all other respects, the judgment is affirmed.

Kriegler, J.

We concur: Armstrong, Acting P.J.
Mosk, J.

B187980	Mutual Service Casualty v. Andrew Sherman et al Estate of Tracy Courrege	(Not for Publication)
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The judgment is reversed. Appellant(s) to recover costs.

Kriegler, J.

We concur: Turner, P.J.
 Armstrong, J.

B186414 1680 Property Trust
v.
Orange Mall Development Associates

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

DIVISION FIVE (Continued)

B186769 Carpenter & Zuckerman (Not for Publication)

v.

Paul Cohen et al

Defendants' appeal is dismissed, plaintiffs are awarded their costs on that appeal, including attorney fees, and the matter is remanded to the trial court for a determination of those fees. Plaintiffs' cross-appeal is also dismissed, and defendants are awarded their costs on that cross-appeal.

Mosk, J.

We concur: Turner, P.J.

Kriegler, J.

B188158 S.S. Haddad

v.

Robin Oil Company et al

Filed order granting motion to dismiss appeal. Appeal (notice of appeal filed December 20, 2005) dismissed.

DIVISION SIX

B189400 People (Not for Publication)

v.

Alexander

The judgments are affirmed.

Yegan, J.

We concur: Gilbert, P.J.

Perren, J.

DIVISION SIX (Continued)

B176929 Wright, et al. (Certified for Publication)
 v.
 City of Morro Bay

The judgment is affirmed. Respondent is to recover costs.

Perren, J.

We concur: Gilbert, P.J.
 Coffee, J.

DIVISION SEVEN

B188145 Calstar Realty and Mortgage (Not for Publication)
 v.
 Raykin

The judgment is affirmed. Respondent(s) to recover costs.

Woods, J.

We concur: Perluss, P.J.
 Zelon, J.